

BEFORE THE
POSTAL RATE COMMISSION
WASHINGTON, D.C. 20268-0001

Complaint on First-Class Mail
Service Standards

Docket No. C2001-3

OPPOSITION OF THE UNITED STATES POSTAL SERVICE
TO MOTION TO COMPEL OF DAVID POPKIN
(May 3, 2004)

The United States Postal Service hereby submits this opposition to the motion filed by David Popkin in April 26, 2004, seeking to compel responses to the eleven questions filed on April 5, 2004 as subparts of the following interrogatories: DBP/USPS-151-156.

All of the objectionable questions pertain to the postal document entitled Policy For Requesting A Service Standard Change.¹ The initial version of the document was filed on October 1, 2001, by the Postal Service in the OCA-1.doc file in USPS Library Reference C2001-3/1. An updated version was filed in the April 5, 2004, response to DFC/USPS-T1-24.

Submission and review of requests for changes in service standards among the more than 849,000 First-Class Mail 3-digit ZIP Code pair is a routine, ongoing postal administrative matter. This process is a natural consequence of operating a dynamic collection, transportation, sortation and delivery enterprise as complex as the United States Postal Service. The Policy document simply outlines for local and Area offices the procedures for submitting routine requests for service standard changes to postal Headquarters and the criteria by which those requests will be evaluated. The document's relevance to Docket No. C2001-3 is limited to the fact that the First-Class Mail service standards between any 3-digit ZIP Code origin-destination pairs -- including any of the ZIP Code pairs that were either upgraded or downgraded in 2000-01 -- could be the subject of a request for change submitted by an Area office to Headquarters.

¹ Hereinafter, the "Policy document".

Docket No C2001-3 was initiated for the purpose of determining whether the implementation of certain nationwide First-Class Mail service standard changes in 2000-01 conform to certain procedural and substantive requirements of the Postal Reorganization Act. In contrast to local changes of the sort implemented under the terms of the Policy document, nationwide changes are subject to Commission advisory authority under 39 U.S.C. § 3661.

In response to DBP/USPS-150, the Postal Service filed USPS Library Reference C2001-3/17, a list of local requests for limited changes that it has acted upon since the systemwide changes that are the subject of this proceeding were implemented in 2000-01. In his motion to compel, Mr. Popkin asserts that the limited, local “[c]hanges that took place after 2000-01 are relevant to the complaint.” To whatever degree that may be accurate, the Postal Service has sought to minimize any controversy by going overboard and providing the list of change requests and documents submitted in support of each request in USPS Library Reference C2001-3/17. Mr. Popkin argues that the Policy document provided in response to DFC/USPS-T1-24 “is relevant to the service standards for First-Class Mail” That is true. But Mr. Popkin fails to acknowledge or recognize a vital distinction. The Policy document is not relevant to the changes that were implemented in 2000-01, which are the subject of this proceeding. Mr. Popkin leaps to the conclusion that any and all interrogatories pertaining to the Policy document are, *per se*, relevant to Docket No. C2001-3. This is not and cannot be so.

For instance, it is not relevant to a resolution of the issues in this proceeding whether mail of all classes originating in the 212 3-digit ZIP Code area is processed in the same plant as mail originating in the 210-211 ZIP Code areas.² Nor is it relevant whether any such isolation and separate processing takes place anywhere else in the postal network for any mail class, or why it might take place. See DBP/USPS-151. Mr. Popkin does not and cannot assert any basis for the relevance of these questions.

² These particular consecutive 3-digit ZIP Codes areas are used in a hypothetical in the Policy document for purposes of illustration. Their selection has nothing to do with the manner in which their mail may actually be processed.

DBP/USPS-152 appears to ask whether, as part of the review of local service standard changes, more than one service standard can be assigned to mail originating in one 3-digit ZIP Code area and destinating in another 3-digit ZIP Code. In other words, whether all mail from the “123” 3-digit ZIP Code Area to the “456” 3-digit ZIP Code area has the same service standard.

First, it should be emphasized that the 2000-01 service standard changes at issue in this proceeding were made on a 3-digit ZIP Code basis, as were all the local changes referenced in USPS Library Reference C2001-3/17. While it may be a matter of curiosity for postal hobbyists to wonder about all manner of hypothetical possibilities, it is irrelevant to the validity of the 2000-01 changes at issue in this proceeding whether the Postal Service could or would ever develop a policy or practice of establishing destinating service standards on a 5-digit or 9-digit ZIP Code basis. Accordingly, DBP/USPS-152 veers well beyond the scope of this proceeding and the Postal Service should be relieved of any obligation to answer it.

The Postal Service objects to DBP/USPS-153 on two grounds. First, in the second subpart (a), the interrogatory seeks to burden the Postal Service with the task of confirming that which is patently obvious, that there was a change in the text of the Policy document which deleted the original suggestion that requests for local service standard changes include consideration of an entire destination ADC area. Mr. Popkin does not need the Postal Service to confirm on the record that he is aware of this change in the text. In subpart (b), the interrogatory seeks an explanation for this change in the document. The motion to compel makes no effort to explain why any explanation could be relevant to a resolution of whether the 2000-01 service standard changes at issue in this proceeding conform to the procedural requirements of sections 3661 or the substantive requirements of section 3662 of the Postal Reorganization Act. Why? Because there is no conceivable relationship between the answer to the question and the issues in this proceeding.

DBP/USPS-154 is characterized by the same defect. It points to another change in the nature of information that is required to be submitted in support of

a local service standard change request and demands to know why the textual change was made. It is inescapable that discovery relevant to the service standard changes at issue in this proceeding may reveal and require reference to a host of other tangential matters, such as the Policy document. The mere fact that tangential matters are unavoidably revealed does not make them subject to discovery in this docket. Here, too, the motion makes no effort to do the impossible, which is to explain how the requested information could be relevant to a resolution of whether the 2000-01 service standard changes conform to the procedural requirements of sections 3661 or the substantive requirements of section 3662.

Taking the plunge, DBP/USPS-155 seeks a catalog of all changes between the 1996 and 2004 versions of the Policy document and an explanation for all such changes. Even assuming the differences were relevant, Mr. Popkin is free to prepare his own catalog of changes between the 1996 and 2004 versions. Neither version of the Policy document served as a basis for the 2000-01 service standard changes at issue in this docket. This case is very decidedly not about routine, local changes in service standards that are implemented under the procedures of the Policy document but about the systemwide changes implemented in 2000-01 in a manner unrelated to that document.

Finally, DBP/USPS-156 refers to a portion of the Policy document that directs local officials, in support of their requests, to advise Headquarters whether their particular request might “create a political inquiry . . . [.]” In other words, Network Operations Management seeks to put itself in a position to alert Government Relations (several floors above) that a decision in response to a local service standard change request could generate communications from various non-postal governmental entities with which Government Relations would have to deal. The Postal Service regards it as irrelevant to Docket No. C2001-3 whether inquiries about local service standard change requests made by government officials acting on behalf of the public are given lesser or greater consideration than a similar inquiries from members of the general public. The answer to such a question may be of immense curiosity to a postal hobbyist

seeking to gauge the nature of his or her own unusual relationship with the Postal Service. However, such a question is not relevant to the issues in Docket No. C2001-3.

Accordingly, the Postal Service should not be compelled to respond to interrogatories DBP/USPS-151-156.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

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CERTIFICATE OF SERVICE

I hereby certify that, in accordance with section 12 of the Rules of Practice, I have this day served the foregoing document upon all parties of record.

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